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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,350	09/02/2003	Eun Jung Lee	A35967 073226.0119	3503
38485	7590 06/30/2006		EXAMINER	
ARENT FOX PLLC 1675 BROADWAY NEW YORK, NY 10019			SEHARASEYON, JEGATHEESAN	
			ART UNIT	PAPER NUMBER
			1647	
			DATE MAILED: 06/30/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Department			Application No.	Applicant(s)			
Legatheesan Seharaseyon, Ph.D 1647	Office Action Summary		10/653,350	LEE ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37 CPR 1-1360, in an event, however, may a reply be timely find after 5K (9) MONTHS from the mailing date of his communication. will apply and will expire SK (9) MONTHS from the mailing date of his communication. Fallute or provision by the fine of or excended parted for reply all, by statuke, cauch to application from the mailing date of this communication. Fallute or provision by the office lear than three months after the mailing date of this communication, even if timely filled, may reduce any evenine plantime diplatament. See 37 CPR 1-74(4). Status 1) □ Responsive to communication(s) filled on 29 June 2005. 22) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-10 is/are pending in the application. 4a) ○ Claim(s) 1-10 is/are pending in the application. 4a) ○ Claim(s) is/are objected to. 5) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 9) □ Claim(s) is/are objected to. 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.25(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11□ □ The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12□ △ Acknowledgment is ma			Examiner	Art Unit			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.136(s). In so event, however, may a realy be timely filled. Extensions of time may be available under the provisions of 37 CPR 1.136(s). In so event, however, may a realy be timely filled. If NO period for reply is specified above, the maximum statulory prior will apply and will engine SN (6) MONTHS from the mailing date of this communication. Failure to reply within the set or oriented above, the maximum statulory prior will apply and will engine SN (6) MONTHS from the mailing date of this communication, even if timely filled, may reduce any common provision to the set of oriented benefits and the three mailing date of this communication, even if timely filled, may reduce any common provision to the set of the set of the communication and the set of the s			Jegatheesan Seharaseyon, Ph.D	1647			
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estancians of them may be auxiliar under the communication. For the communication of the communication of 30°CPR 1.30(a), in severe, may a reply be timely filled enter 5X (6) MONTHS from the mailing date of this communication. If NO period for rayly is specified above, the maximum studary period will expire SX (6) MONTHS from the mailing date of this communication. If NO period for rayly is specified above, the maximum studary period will expire SX (6) MONTHS from the mailing date of this communication. Any reply recived by the Office later than there months after the mailing date of this communication, even if timely filled, may reduce any seamed patient them ediplication. Any reply recived by the Office later than there months after the mailing date of this communication, even if timely filled, may reduce any seamed patient them ediplication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1-10 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ○ Claim(s) is/are allowed. 6) ○ Claim(s) is/are allowed. 6) ○ Claim(s) is/are active any is/are withdrawn from consideration. 8) ○ Claim(s) is/are active any is/are withdrawn from consideration. 8) ○ Claim(s) is/are active any is/are withdrawn from consideration. 8) ○ Claim(s) is/are active any is/are withdrawn from consideration. 8) ○ Claim(s) is/are active withdrawn from consideration. 8) ○ Claim(s) is/are active withdrawn from consideration. 8) ○ Claim(s) is/are active withdrawn from consideration. 9) ○ The procedular variance is active withdrawn from consideration. 9) ○ Claim(s) is/are active withdrawn from consideration. 9) ○ The drawing(s) filed on is/are active withdrawn from consideration. 10) ○ The drawing(s) filed on is/are active withdrawn from consideration. 11) ○ The draw							
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	1) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P	nte			

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- Claims 1-2 and 6-9, are drawn to a interferon alpha, classified in class 530, subclass 350.
- II. Claims 3-5 and 10, drawn to a nucleic acid encoding the protein,expression vector, and method of making, classified in class 435, subclass 69.1.

The inventions are distinct, each from the other, for the following reasons:

The polypeptide of Group I and the polynucleotide of Group II are patentably distinct for the following reasons: polypeptides, which are composed of amino acids, and polynucleotides, which are composed of purine and pyrimidine units, are structurally distinct molecules; any relationship between a polypeptide and polynucleotide is dependent upon the information provided by the nucleic acid sequence open reading frame as it corresponds to the primary amino acid sequence of the encoded polypeptide. Furthermore, searching the inventions of Groups I and II together would impose a serious search burden. In the instant case, the search of the polypeptides and the polynucleotides is not coextensive. The inventions of Groups I and II have a separate status in the art as shown by their different classifications. In cases such as this one where descriptive sequence information is provided, the sequences are searched in appropriate databases. There is also search burden in the non-patent

literature. Prior to the concomitant isolation and expression of the sequence of interest there may be journal articles devoted solely to polypeptides, which would not have described the polynucleotide. Similarly, there may have been "classical" genetics papers, which had no knowledge of the polypeptide, but spoke to the gene. Searching, therefore, is not coextensive. As such, it would be burdensome to search the inventions of Groups I and II.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jegatheesan Seharaseyon, Ph.D whose telephone number is 571-272-0892. The examiner can normally be reached on M-F: 8:30-5:00. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS 06/06

OFFRISTINE J. SAOUD
PRIMARY EXAMINER
Thustin J. Saoud